IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.1796 of 1989**

DATE OF DECISION: January 17, 2007

RAM MURTI BHARDWAJ ...PETITIONER

VERSUS

STAT E OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MR. GOVIND GOEL, ADVOCATE FOR THE PETITIONER.
MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. RAJEEV KWATRA, SR.DAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has prayed for regularization of his services on the post of Multi-purpose Health Supervisor from the date he has assumed charge of the post of Health Inspector with all consequential benefits. The petitioner was initially appointed as Basic Health Worker on 4.5.1963 and subsequently, on 5.12.1972 (vide Annexure P-2), was appointed as Health Inspector. This appointment was purely temporary for a period of 6 months and the said period could be extended further with the approval of the Subordinate Services Selection Board, Haryana (hereinafter referred to as 'the Board'). The petitioner continued on this post although there was no approval by the Board.

As the petitioner has already retired from service, therefore, the prayer of the petitioner for regularization of his services has been rendered infructuous.

It has also been argued by Mr. Goel that as the petitioner was working as Health Inspector in pursuance to the order (Annexure P-2) upto to his retirement, therefore he should be given the pay scale of the post on which he has been working, as revised from time to time.

Learned counsel for the State submits that as the petitioner was never regularized on the post of Health Inspector, therefore, he is not entitled to be paid the salary for this post. He further submits that the petitioner was allowed to work in his own pay scale against his original post.

A perusal of the aforementioned facts clearly shows that undisputedly the petitioner had been working on the post of Health Inspector. He retired from this post, thus, having rendered service as Health Inspector, therefore, the petitioner would obviously be entitled to the pay scale admissible to a Health Inspector. The Hon'ble Supreme Court in *Smt. P. Grover* vs. *State of Haryana* reported as 1983 (2) SLR 734 has held that where the promotion is on acting basis, even then the officer would be entitled to salary of such higher post on which he was working. In another case of *Rajinder Nath Malhotra* vs. State of Punjab and ors. reported as 1990(2) SLR 305 it was held that even if the promotion of the petitioner is in his own pay scale still the claim of the petitioner for the salary admissible to him in the higher rank was justified.

In the present case also the petitioner was officiating as Health Inspector in pursuance of his appointment letter and having discharged his services as Health Inspector, he is entitled to the salary of the post on which he was working, as revised from time to time.

In view of the judgements rendered in *Smt. P. Grover's case*

and *Rajinder Nath Malhotra's case* (supra) the petitioner is held entitled to the pay scale of the post on which he was working. The writ petition is partly allowed. The respondents are directed to pay the petitioner the entire arrears of salary within a period of 6 months alongwith all consequential benefits.

January 17, 2007 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**